APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,303	04/24/2000	Joann Ruvolo	AM9-99-0134	7178

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EXAMINER
BACHNER, REBECCA M

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/556,303	RUVOLO ET AL.
	Examiner	Art Unit
	Rebecca M Bachner	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 November 2002_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

Detailed Action

This is a Final Office Action in response to the communication received

November 27, 2002. Claims 1-22 are pending.

Response to Amendments

1.   The 35 USC § 102 rejection for claims 1-4, 6, 9-13, and 15-22, have been

replaced with a 35 USC § 103 rejection due to the newly amended claims.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-4, 6, 9-13, and 15-22, rejected under 35 U.S.C. 103(a) as being

unpatentable over Bisdikian et al. (P.N. 5,974,406) in further view of Ralston et al. (P.N.

U.S. 6,389,454).

(Amended)   As per claim 1, Bisdikian et al. discloses a system for anonymously

matching of entities using an electronic calendaring system, said system comprising:

Computer storage retaining one or more calendar events for a plurality of entities,

said calendar events representing match data comprising one or more relations, said

relations comprising where an activity is to occur, what an activity is, minimum matching

requirements, or attributes of an activity of an entity (see column 3, lines 59-63, and

column 4, lines 9-14, the activity is buying or selling an item; this activity looks for a

match that fits its minimum requirements; the attributes of the entity, or the activity, is

disclosed);

A match server, said match server operatively connected to said computer

storage, and wherein said match server matches at least two calendar events to thereby

associate two or more entities based upon said matching data (see column 4, lines 44-

67, through column 5, lines 1-53, a match server connects the buyer and the seller; the

parties are notified of their match and the event is scheduled on each of their

calendars).

Bisdikian et al. discloses the use of various criteria for matching an event, but

does not explicitly disclose matching the data comprising the timing of an event.

However, Ralston et al. discloses a matching and scheduling system that uses the time

of an event to match the event (see column 3, lines 50-64). Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention to disclose the

matching including timing information as the time that the event occurs is important in

determining if it is a good match. One would have included the time of the event to

more reliably match a buyer and a seller.

(Amended)   As per claim 2, Bisdikian et al. discloses a system for anonymous

matching of entities utilizing an electronic calendaring system, as per claim 1, said

system further comprising: a notifying element, said notifying said entities associated

upon matching said at least two calendar events (see figures 4-5, and column 5, lines 7-36, the entities are notified of the match).

(Amended)   As per claim 3, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 2 wherein said notifying element notifies said entities associated via adding said entities to said at least two calendar events (see column 5, lines 7-36, the attendees are notified of the calendar events).

(Amended)   As per claim 4, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 1, wherein said relations are represented by one or more categories (see column 3, lines 11-46, and column 4, lines 9-14, the system can match multiple categories of data. The example given in the patent includes buying and selling cars, but the patent is directly applicable to many categories of buying and selling, such as the matching of buyers and sellers of clothing, pets, and food).

As per claim 6, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, a per claim 4, wherein said categories comprise any of a commerce activity, service desired, service offered, item for sale, item desired for purchase, request for quote delivery or pickup of an item or person(s), replenishment of supplies, or the reservation if the use of a facility, place, vehicle, or

object (see column 3, lines 11-24, and column 4, lines 9-14, the categories comprise

buyers and sellers of a particular good).

As per claim 9, Bisdikian et al. discloses a system for anonymously matching of

entities utilizing an electronic calendaring system, as per claim 1, wherein said system

may be implemented locally or remotely on one or more computer-based systems,

across networks or existing communication mediums (see column 3, lines 49-58, the

matching is implemented on a computer based network).

As per claim 10, Bisdikian et al. discloses a system for anonymously matching of

entities utilizing an electronic calendaring system, as per claim 9, wherein said across

networks element comprises any of LANs, WANs, cellular, Internet or Web based

networks (see column 3, lines 49-58, the matching is implemented on an Internet, or

Web based network).

(Amended)   As per claim 11, Bisdikian et al. discloses a calendaring system providing

a generic match service which utilizes a first calendar event to represent matching data

comprising:

A structured calendar event entry interface, said interface requesting one or more

relations, said relations comprising entry of information of an activity to be matched,

attributes of an entity entering said first calendar event, and requirements for a match

(see column 3, lines 59-63, and column 4, lines 9-14, the event is requested to be

matched; the event can be the buying or selling an item; the event looks for a match

that fits its minimum requirements; the attributes of the entity or the event are

disclosed);

A computer storage medium retaining said first calendar event and associated

calendar, said first calendar event entered in said computer storage medium via said

interface (see column 3, lines 3-10, and 49-58, the event is entered into the storage

medium via the interface);

A match server operatively connected to said computer storage medium, said

match server matching said first calendar event to a second calendar event based upon

at least one of said information, said attributes, or said requirements (see column 4,

lines 44-67, through column 5, lines 1-53, a match server connects the buyer and the

seller based on the attributes or requirements of the event); and

Wherein, upon matching said first calendar event to said second calendar event,

said entity entering said first calendar event is notified of said match (see column 5,

lines 1-53, the parties are notified of their match and the event is scheduled on each of

their calendars).

Bisdikian et al. discloses the use of various criteria for matching an event, but

does not explicitly disclose matching the data comprising the timing of an event or when

it will occur. However, Ralston et al. discloses a matching and scheduling system that

uses the time of an event to match the event (see column 3, lines 50-64). Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to

disclose the matching including timing information as the time that the event occurs is

important in determining if it is a good match. One would have included the time of the event to more reliably match a buyer and a seller.

(Amended)   As per claim 12, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 11 wherein said notification is performed via adding entities associated in said match to said first calendar event (see column 5, lines 7-36, the attendees are notified of the calendar events).

(Amended)   As per claim 13, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 11, wherein said relations are represented by one or more categories, and said categories are capable of being represented by said first calendar event (see column 3, lines 11-46, and column 4, lines 9-14, the system can match multiple categories of data. The example given in the patent includes buying and selling cars, but the patent is directly applicable to many categories of buying and selling, such as the matching of buyers and sellers of clothing, pets, and food).

As per claim 15, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 11, wherein said system may be implemented locally or remotely on one or more computer-based systems, across networks or existing communication

mediums (see column 3, lines 49-58, the matching is implemented on a computer based network).

As per claim 16, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 15, wherein said across networks element comprises any of LANs, WANs, cellular Internet or Web based networks (see column 3, lines 49-58, the matching is implemented on an Internet, or Web based network).

As per claim 17, Bisdikian et al. discloses a method of providing a generic matching service utilizing an electronic calendar system, said method comprising:

Storing one or more calendar events in computer storage (see column 3, lines 3-10, and 49-58, the events are stored in computer storage);

Storing matching data as said calendar events (see column 3, lines 3-10, and 49-58, and column 5, lines 7-54, the matching data is stored and placed in the calendar events);

Providing said calendar events to a match server (see column 5, lines 7-54, the calendar events are matched using a server), and

Matching at least two calendar events based upon said matching data to thereby associate two or more entities via said match server (see column 4, lines 44-67, through column 5, lines 1-53, a match server connects the buyer and the seller based on the attributes or requirements of the event).

As per claim 18, Bisdikian et al. discloses a method of providing a generic matching service utilizing an electronic calendar system, as per claim 17, said method further comprising: moving at least one of said at least two calendar events from an event repository to a match repository upon matching said at least two calendar events (see figures 1 and 3, and column 4, lines 44-67, through column 5, lines 1-53, when a match is created, the events are moved to a different repository, where the type of notification is determined).

(Amended)   As per claim 19, Bisdikian et al. discloses a method of providing a generic matching service utilizing an electronic calendar system, as per claim 17 wherein notifying said entities associated upon matching via adding said entities to said calendar event (see column 5, lines 7-36, the attendees are notified of the calendar events).

As per claim 20, Bisdikian et al. discloses an article of manufacture comprising user medium having computer readable program code embodied therein which provides a generic matching service utilizing an electronic calendar system comprising:

Computer readable program code for retaining one or more calendar events (see column 3, lines 3-10, and 49-58, the events are retained);

Computer readable program code for representing matching data via said calendar events (see column 3, lines 3-10, and 49-58, and column 5, lines 7-54, the matching data is stored and placed in the calendar events);

Computer readable program code for providing said calendar events to a match

server (see column 5, lines 7-54, the calendar events are matched using a server); and

Computer readable program code for matching at least two calendar events

based upon said matching data to thereby associate two or more entities via said match

server (see column 5, lines 1-53, the parties are notified of their match and the event is

scheduled on each of their calendars).

As per claim 21, Bisdikian et al. discloses a computer program product usable

with a programmable computer having computer readable program code embodied

therein providing a generic matching service utilizing an electronic calendar system

comprising:

Computer readable program code for retaining one or more calendar events (see

column 3, lines 3-10, and 49-58, the events are retained);

Computer readable program code for representing matching data via said

calendar events (see column 3, lines 3-10, and 49-58, and column 5, lines 7-54, the

matching data is stored and placed in the calendar events);

Computer readable program code for providing said calendar events to a match

server (see column 5, lines 7-54, the calendar events are matched using a server); and

Computer readable program code for matching at least two calendar events

based upon said matching data to thereby associate two or more entities via said match

server (see column 4, lines 44-67, through column 5, lines 1-53, a match server

connects the buyer and the seller based on the attributes or requirements of the event).

As per claim 22, Bisdikian et al. discloses a system comprising computer readable program code, said program code embodied upon and divided among multiple computer storage systems, said program code processing code processing data between the divided portions of said program code over a network for providing a generic matching service utilizing an electronic calendar system, comprising:

Computer readable program code for retaining one or more calendar events (see column 3, lines 3-10, and 49-58, the events are retained);

Computer readable program code for representing matching data via said calendar events (see column 3, lines 3-10, and 49-58, and column 5, lines 7-54, the matching data is stored and placed in the calendar events);

Computer readable program code for providing said calendar events to a match server (see column 5, lines 7-54, the calendar events are matched using a server); and

Computer readable program code for matching at least two calendar events based upon said matching data to thereby associate two or more entities via said match server (see column 4, lines 44-67, through column 5, lines 1-53, a match server connects the buyer and the seller based on the attributes or requirements of the event).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 7, and 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bisdikian et al.

(Amended) As per claim 7, Bisdikian et al. discloses a system for anonymously

matching of entities utilizing an electronic calendaring system, as per claim 6 (see

column 4, lines 9-14, a buyer and seller are anonymously matched based on attributes).

Bisdikian et al. does not explicitly disclose wherein a multiplicity of times for a

commerce activity are available at variable prices or rates and which the most favorable

is selected. It is common and well-known in the art to have multiple prices and times for

an activity and that the cost would vary depending on the time. It is also common in the

art to consider both the price and the time when matching a buyer and seller as these

factors are essential to the completion of the activity. A match of the optimum price and

time is advantageous to both the buyer and the seller. Therefore, it would be obvious to

one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s

system select the match within a multiplicity to times at the most favorable price or rate

as it increases customer confidence in using the matching system since both the buyer

and the seller would receive the best possible price and time.

As per claim 8, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 7 (see column 4, lines 9-14, a buyer and seller are anonymously matched based on attributes). Bisdikian et al. does not explicitly disclose wherein the user selects the most favorable. It is common and well-known in the art to have multiple prices and times for an activity and that the cost would vary depending on the time. It is also common in the art for a user to consider both the price and the time when matching a buyer and seller as these factors are essential the completion of the activity. A match of the optimum price and time is advantageous to both the buyer and the seller. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s system allow a user to select the match within a multiplicity to times at the most favorable price or rate as it increases customer confidence in using the matching system since both the buyer and the seller would receive the best possible price and time.

6.   Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisdikian et al. in view of Durand et al. (P.N. 6,272,467).

As per claim 5, Bisdikian et al. discloses a system for anonymous matching of entities utilizing an electronic calendaring system, as per claim 4. Bisdikian et al. does not explicitly disclose wherein said categories comprise at least one of personal matching, job positions, job qualifications, meetings and activities. Durand et al. does

teach of matching job hunters with employment opportunities using qualifications and other criterion (see abstract) in an analogous art for the purpose of matching the job seekers with the open positions. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s matching system also provide Durand et al.'s job matching function, as it allows the system to be more comprehensive since it combines both the user's buying/selling needs in addition to scheduling meetings and job position matching.

As per claim 14, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 13. Bisdikian et al. does not explicitly disclose wherein said categories comprise at least one of personal matching, job positions, job qualifications, meetings and activities. Durand et al. does teach of matching job hunters with employment opportunities using qualifications and other criterion (see abstract) in an analogous art for the purpose of matching the job seekers with the open positions. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s matching system also provide Durand et al.'s job matching, as it allows the system to be more comprehensive since it combines both the user's buying/selling needs in addition to scheduling meetings and job position matching.

Applicants Arguments

7.   The applicant argues that Bisdikian does not teach the timing of an activity, or

when an activity is supposed to occur. However, as stated in claim 1, the match data

"comprised **one or more of**: when an activity is to occur, where the activity is to occur,

what an activity is, minimum matching requirements, **or** attributes of an activity or

entity". Therefore, in order for the art to appropriately read on this claim as it was first

written (before the amendment) the reference need only have **one** of the previously

stated in its criteria to create matches. Bisdikian in column 3, lines 59-63, and column

4, lines 9-14, discloses that the activity is buying or selling an item. Bisdikian further

teaches another limitation, that this activity looks for a match that fits its minimum

requirements as the attributes of the entity, or the activity, is disclosed. Therefore, as

the claim previously read, Bisdikian was appropriately applied.

As for the amended claims, Bisdikian does not explicitly disclose matching the

data comprising the timing of an event. However, Ralston et al. discloses a matching

and scheduling system that uses the time of an event to match the event (see column 3,

lines 50-64). Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention to disclose the matching including timing information as the

time that the event occurs is important in determining if it is a good match. One would

have included the time of the event to more reliably match a buyer and a seller.

The applicant also argues that Bisdikian does not teach anonymous entities.

However, the applicant never claimed anonymous entities. The applicant merely

claimed an anonymous matching of entities. Bisdikian does teach an anonymous matching system as the disclosed system matches the entities based on attribute criteria. The log-in of the user does not effect the matching of the entities. Therefore, Bisdikian teaches the anonymous matching of entities.

The applicant further argues that Bisdikian et al. does not explicitly disclose wherein a multiplicity of times for a commerce activity are available at variable prices or rates and which the most favorable is selected. The examiner agrees with the applicant that Bisdikian does not explicitly teach this limitation. However, Ralston et al. discloses a matching and scheduling system that uses the time of an event to match the event (see column 3, lines 50-64) and it is common and well-known in the art to have multiple prices and times for an activity where the cost would vary depending on the time. It is also common in the art to consider both the price and the time when matching a buyer and seller as these factors are essential to the completion of the activity. A match of the optimum price and time is advantageous to both the buyer and the seller. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s system select the match within a multiplicity to times at the most favorable price or rate as it increases customer confidence in using the matching system since both the buyer and the seller would receive the best possible price and time.

Conclusion

8.   No claims allowed.

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687   Official communications; including After Final

communications labeled "Box AF"

(703) 746-7306   Informal/Draft communications, labeled "PROPOSED" or " DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RMB
RMB
February 11, 2003

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600